MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

January 9, 2009

DIVISION ONE

B198074 People (Not for Publication)

v.

Loaiza, et al.

The true findings on the gang enhancement allegations are reversed with respect to each defendant and counts 1, 2, and 5. The trial court is directed to dismiss the allegations. In all other respects, the defendants' convictions are affirmed. Their sentences are vacated and the cause is remanded to resentence each defendant on count 5. The trial court should also modify Reyes' sentence on count 2 by imposing a Third Strike term of 25 years to life, enhanced by 1 year (§ 667.5, subd. (b)), for a total of 26 years to life. The court should also make the following modifications to Loaiza's sentence: for count 1, the court should impose a second strike term of 50 years to life, enhanced by 5 years (§ 667, subd. (a)(1)), for a total of 55 years to life; for count 2, the court should impose a second strike term of 14 years to life, enhanced by 25 years to life (§ 12022.53, subd. (d)), for a total of 49 years to life.

Dunning, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

B211206 Veronica G. (Not for Publication)

v.

S.C.L.A. (Los Angeles County DCFS, r.p.i.)

The petition for extraordinary writ is denied.

Bauer, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

DIVISION ONE (continued)

B201373 People (Not for Publication)

v. Liner

The four-year prison sentence is vacated and the cause is remanded to the trial court for resentencing in accordance with law. In all other respects, the judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.

Dunning, J. (Assigned)

B299860 People

v.

Tarkington & Allen

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION TWO

B198625 Burlison, Jr., et al.

v.

Cardet

Filed order denying petition for rehearing.

DIVISION THREE

B203515 People (Not for Publication)

v. R.G.

The order of wardship is affirmed.

Kitching, J.

We concur: Klein, P.J.

Croskey, J.

DIVISION FOUR

B200032 People

v.

McNutt

Filed order denying petition for rehearing.

DIVISION FIVE

B205303 People

V.

Darryl Strickland

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (continued)

Each of the following:

B205185 DCFS v. Nancy J. et al., B205595 DCFS v. Christina I. B208290 DCFS v. Tanya A. B204315 Quan et al., v. Fong

Argument waived, cause submitted.

B201263 Fair Housing Counsel of the San Fernando Valley

v.

Voleti Properties et al.,

Merits:

Argued by Jerome Zamos for appellant and by Stephen Johnson for respondents. Cause submitted.

B209638 In re Paul E. Gaul

On

Habeas Corpus

Merits:

Argued by Gail Ivens for petitioner and by Charles Chung, Deputy Attorney General for respondent. Cause submitted.

B200985 Armstrong

v.

Bergin

Merits:

Argued by Paul Sowa for appellant and by Robert Kahn for respondent.

Cause submitted.

DIVISION SEVEN (continued)

B203224 Warren

v.

Turner

Merits:

Argued by Walter Gordon for appellant and by Frank Fox for respondent.

Cause submitted.

B201492 Marik et al.,

v.

Buckeye Retirement Co.,

Merits:

Argued by Gregory Grantham for appellant and by Templeton Briggs for

respondent. Cause submitted.

B203004 Pal

v.

Nordstrom, Inc.,

Merits:

Argued by Christopher Fortunati for appellant and by Scott Davenport for

respondent. Cause submitted.

B208614 Aguiar, et al.

V.

Superior Court, Los Angeles County

(Cintas Corp. No. 2, r.p.i.)

Merits:

Argued by Michael Rubin for petitioner and by Diana Gibson for real party

in interest. Cause submitted.

Court recessed.

DIVISION SEVEN (continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

B204540 Jimenez

v.

De Petris et al.,

Merits:

Argued by Robert Jimenez appellant in propria persaon and by Cynthia de Petris for respondents. Cause submitted.

B204981 Aragon

v.

Lazo

Merits:

Argued by James Moneer for appellant and by Adela Carrasco for respondent. Cause submitted.

B205521 Neuwirth

v.

Silverstein Beinin

Merits:

Argued by Charles Fonarow for appellant and by Dean Hansell and Steven Freeburg for respondents. Cause submitted.

B206764 Matthews

v.

Inter-Con Security

Merits:

Argued by Percy Matthews, II appellant in propria persona and by Ryan Eskin for respondent. Cause submitted.

DIVISION SEVEN (continued)

B205942 Kadner

v.

Cousineau et al.,

Merits:

Argued by Hillel Chodos for appellant and by Michael Taitelman for

respondents. Cause submitted.

Court adjourned.